

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JEROME CEASAR ALVERTO ,

Plaintiff,

V.

MICHELLE HENDERLING, et al.,

Defendants.

Case No. C18-1380-BJR

**ORDER DENYING MOTION TO
STAY MOTION FOR SUMMARY
JUDGMENT (DKT. 32)**

On August 3, 2019, plaintiff moved for summary judgement. Dkt. 26. Defendants responded, dkts. 28-30, and on September 4, 2019, the Court issued a report recommending summary judgment be denied. Dkt. 31. Plaintiff filed objections to the report on September 7, 2019, dkt. 34, and moved to stay his summary judgment motion. Dkt. 32.

In this case, plaintiff alleges defendant Henderling retaliated against him and the retaliation included a “kite” stating “Who cares, No one cares. Mistakes happen.” Henderling denies writing the kite and claims it is a fabrication. Dkt. 29. Plaintiff moves to stay so he can obtain the “original” kite in question. Dkt. 32. Plaintiff thus seeks a stay to engage in discovery. However, on June 6, 2019, the Court issued a scheduling order directing discovery be completed by September 17, 2019. Dkt. 24. The record does not indicate plaintiff has attempted to discover the original kite in question, or timely move to extend the time for discovery. Because there is no indication plaintiff has ever attempted to discover the original copy, and the time to complete

1 discovery has now lapsed, the Court **ORDERS**:

2 (1) The motion to stay plaintiff's own summary judgment motion, Dkt. 32, is **DENIED**.
3 (2) The Clerk of Court shall provide a copy of this Order to plaintiff.

4 DATED this 7th day of October, 2019.

5 
6 BRIAN A. TSUCHIDA
7 Chief United States Magistrate Judge